



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,557	12/16/1999	BRIAN D. GANTT	30566.71US01	7734

22462 7590 03/26/2003

GATES & COOPER LLP  
HOWARD HUGHES CENTER  
6701 CENTER DRIVE WEST, SUITE 1050  
LOS ANGELES, CA 90045

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 11

Application Number: 09/464,557  
Filing Date: December 16, 1999  
Appellant(s): GANTT, BRIAN D.

**MAILED**

MAR 26 2003

Technology Center 2100

---

George H. Gates  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/30/02.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a

bearing on the decision in the pending appeal is contained in the brief.

Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The amendment after final rejection filed on 09/30/02 has been entered.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 4, 9, 14, 22 and 27 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

5,162,779	Lumelsky et al.	11-1992
5,268,677	Frasier et al.	12-1993

6,166,718

Takeda

12-2000

**(10) Grounds of Rejection**

Claims 9, 19 and 27 are allowed based on appellant's arguments.

The following ground(s) of rejection are applicable to the appealed claims:

Claims 4, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda [US.6,166,718] in view of Frasier et al. [US.5,268,677] and further in view of Lumelsky et al. [US.5,162,779]. This rejection is set forth in prior Office Action, Paper No. 6

***Claim Rejections - 35 USC § 103***

As to claims 4, 14 and 22, Takeda discloses displaying the three-dimensional space on a monitor attached to the computer (see abstract, column 1, line 62 through column 2, line 28); moving a cursor through the two-dimensions of the three-dimensional space according to a position of an input device attached to the computer and determining a position of the cursor within the three-dimensional space relative to the two-dimensions (see column 2, lines 16-28 and column 5, lines 11-29). The difference between Takeda and the claim are the two-dimensional viewport of the three-dimensional space and the generating a visual representation of the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport and the generating step comprises varying a reflectivity of the cursor to

indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport. Frasier et al. shows two-dimensional viewport of the three-dimensional space (see abstract, column 1, lines 29-50 and column 2, lines 10-53) Frasier et al. cites "A reduced viewport feature for a graphics display system...A two-dimensional input image plane in the form of a wireframe is transformed to a three-dimensional image...mapped as a two-dimensional projection onto the graphics display..." read as the two-dimensional viewport. It would have been obvious to one of ordinary skill in the art, having the teachings of Takeda and Frasier et al. before them at the time the invention was made to modify the position of the cursor within the three-dimensional space taught by Takeda to include the two-dimensional viewport of Frasier et al., in order to reduce the size of the normally visible area outside the viewing area as taught by Frasier et al.

While Frasier et al. teaches the displaying the two-dimensional viewport of the three-dimensional space. Lumelsky et al. teaches generating a visual representation of the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport (see abstract). Lumelsky et al. cites "To further enhance the perception of depth, monoscopic depth cues are provided by varying the cursor's color, size, transparency and/or pattern as the cursor moves in depth" read as the visual representation of the cursor; and the generating step comprises varying a reflectivity of the cursor to indicate the position of the cursor within the three-dimensional space relative to

Art Unit: 2174

the two-dimensional viewport (column 2, lines 35-65 and column 3, line 65 through column 4, line 25). It would have been obvious to one of ordinary skill in the art, having the teachings of Takeda, Frasier et al. and Lumelsky et al. before them at the time the invention was made to modify the position of the cursor within the three-dimensional space relative to the two-dimensional viewport as taught by Takeda and Frasier et al. to include the visual representation of the cursor of Lumelsky et al.

***Allowable Subject Matter***

Claims 9, 19 and 27 are allowable because the prior art fails to teach or suggest "the generating step comprises adding and subtracting tag along characters to the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport".

**(11)      *Response to Argument***

With respect to claims 4, 14 and 22, Appellant argues Lumelsky et al. does not teach or suggest "generating a visual representation of the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport, wherein the generating step comprises varying a reflectivity of the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport". Appellant argues that although Lumelsky describes enhancing the perception of depth by providing monoscopic depth cues by varying the cursor's color, size, transparency and/or pattern as the cursor moves in depth, Lumelsky says

nothing indicating the position of the cursor within the three-dimensional space relative to the two-dimensional viewport by varying a reflectivity of the cursor. However, the argument is not persuasive because while Lumelsky describes “enhancing the perception of depth by providing monoscopic depth cues by varying the cursor’s color, size, transparency and/or pattern as the cursor moves in depth” (see abstract, column 2, lines 35-65 and column 3, line 65 through column 4, line 25) read as “generating the visual representation of the cursor to indicate the position of the cursor” and “the generating step comprises varying a reflectivity of the cursor”, Takeda and Frasier et al. teach the position of the cursor within the three-dimensional space relative to the two-dimensional viewport (Takeda; see column 2, lines 16-28 and Frasier; see abstract, column 1, lines 29-50 and column 2, lines 10-53). Therefore, in the combination of Takeda, Frasier and Lumelsky, “generating a visual representation of the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport, wherein the generating step comprises varying a reflectivity of the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport” is suggested by the prior arts.

For the above reasons, it is believed that the rejections should by sustained.

Application/Control Number: 09/464,557  
Art Unit: 2174

Page 7

Respectfully submitted,

*Kristine Kincaid*

KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Mylinh Tran  
March 23, 2003

Conferees  
Kristine Kincaid *Kristine Kincaid*  
Crescelle Delatorre *C. Del S*

GATES & COOPER LLP  
HOWARD HUGHES CENTER  
6701 CENTER DRIVE WEST, SUITE 1050  
LOS ANGELES, CA 90045

*C. Del S*

CRESCELLE N. DELA TORRE  
PRIMARY EXAMINER